IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

WP No. 2122 of 06
M/s MM Sintered v. APFC

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Office Notes, Office Memoranda of Coram, Court's or Judge's Orders
appearances, Court's orders or directions
and Registrar's orders.

Mr S.S. Ghate, Advocate for petitioner.
Mr R.S. Sunderam, Advocate for respondent.

Coram : A.B. Chaudhari, J

Dated : 3.9.2007

1/ The impugned order is an appellable order. Learned counsel for the petitioner states that at the relevant time, the Presiding Officer of the Appellate Tribunal was not appointed/ functioning and that is why no appeal was filed. This position is not disputed by Mr Sunderam. He further submits in all fairness that the delay in filing the appeal can be excused even by this Court for the aforesaid reason beyond the control of the petitioner, but subject to the petitioner depositing amount of Rs. 63,000/- with the Provident Fund

Organization.

2/ Petitioner to file appeal before the Tribunal within four week from today and shall deposit the amount of Rs. 63,000/- within the said period with the PF Organization. The Appellate Authority shall entertain the appeal if filed within four weeks without raising objection regarding delay. If the appeal is not filed within four weeks and amount, as ordered, is not deposited within the stipulated period, the petitioner shall not be entitled to have the delay condoned in filing the appeal.

Judge.

hsj